

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE		
IN RE APPLICATION OF:	Kurzinger et al.	GROUP ART UNIT: 1761
DOCKET NO.	12742.000US1	JUL 28 2005 U.S. PATENT AND TRADEMARK OFFICE
SERIAL NO:	10/667,559	EXAMINER: C. Sayala
FILED:	September 22, 2003	
FOR:	NOVEL FLAKE FEE, ESPECIALLY FOR AQUATIC ANIMALS	

### TERMINAL DISCLAIMER

COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
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SIR:

Now comes the undersigned, Attorney of Record in the present application, who avers as follows:

Tetra Holding, Inc. is the owner of the entire right, title and interest in and to the invention claimed and disclosed in the above-captioned patent application by virtue of assignment.

Tetra Holding, Inc. hereby disclaims the terminal part of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,623,770, and hereby agrees that any patent so granted on said above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,623,770, this agreement to run with any patent granted on the above-captioned application and to be binding upon the grantee, its successors or assigns.

Tetra Holding, Inc. does not disclaim any terminal part of any patent granted on the above-captioned application that would extend to the full statutory term as presently shortened by any terminal disclaimer of Patent No. 6,623,770 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

MERCHANT & GOULD P.C.

Date:

*July 28, 2005*

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**23552**

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